

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES C. DOWNING,

Plaintiff,

v

Case No. 2:08-CV-12545  
Hon. Anna Diggs Taylor  
Magistrate Mona K. Majzoub

SOUTHSTAR FUNDING, LLC,  
THE LENDERS SUCCESSORS MERS,  
US BANK NATIONAL ASSOCIATION,

Defendants.

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James C. Downing In Pro Per 114 Vincent Street Inkster, Michigan 48141	PLUNKETT COONEY Matthew J. Boettcher (P40929) Attorneys for MERS and US BANK 38505 Woodward Ave., Ste. 3000 Bloomfield Hills, MI 48304 (248) 901-4035
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**ORDER DENYING PLAINTIFF'S MOTION(S) FOR TEMPORARY  
RESTRAINING ORDER AND LEAVE TO FILE FIRST AMENDED COMPLAINT  
AND  
GRANTING DEFENDANTS', MERS AND US BANK NATIONAL ASSOCIATION'S,  
MOTION TO DISMISS**

Plaintiff having filed his Motion(s) for Temporary Restraining Order and Leave to File First Amended Complaint and Defendants, MERS and U.S. Bank National Association having filed their Motion to Dismiss pursuant to Fed. R. Civ. Proc. 12(b)(6), and the Court having heard oral arguments and being fully advised in the premises;

IT IS HEREBY ORDERED that Plaintiff's Motion(s) for Temporary Restraining Order and Leave to File First Amended Complaint [D/E-17] are denied.

IT IS FURTHER ORDERED that Defendants', MERS and U.S. Bank National Association's, Motion to Dismiss pursuant to Fed. R. Civ. Proc. 12(b)(6) [D/E-4] is granted and that Plaintiff's Complaint be dismissed, in its entirety, with prejudice.

IT IS SO ORDERED.

DATED: February 2, 2009

s/Anna Diggs Taylor  
ANNA DIGGS TAYLOR  
UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order of Dismissal was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on February 2, 2009.

James C. Downing  
114 Vincent St  
Inkster, MI 48141-1270

s/Johnetta M. Curry-Williams  
Case Manager